Calendar No. 122

98TH CONGRESS, 1st Session | SENATE | REPORT No. 98-74

PROVIDING FOR THE USE AND DISTRIBUTION OF FUNDS AWARDED THE RED LAKE BAND OF CHIPPEWA INDIANS IN DOCKET NUMBERED 15-72 OF THE U.S. COURT OF CLAIMS

MAY 5 (legislative day, MAY 2), 1983.—Ordered to be printed

Mr. ANDREWS, from the Select Committee on Indian Affairs, submitted the following

REPORT

[To accompany S. 884]

The Select Committee on Indian Affairs, to which was referred the bill (S. 884) to provide for the use and distribution of funds awarded the Red Lake Band of Chippewa Indians in docket No. 15-72 of the U.S. Court of Claims, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

AMENDMENTS

1. On page 2, line 20, delete "3" and insert in lieu thereof "2".
2. On page 3, line 9, delete "4" and insert in lieu thereof "3".

PURPOSE

The purpose of this bill is to provide for the use and distribution of funds awarded the Red Lake Band of Chippewa Indians by the U.S. Court of Claims in docket No. 15-72.

BACKGROUND

On February 6, 1981, the U.S. Court of Claims entered a judgment for the Red Lake Band of Chippewa Indians in docket No. 15-72 in the amount of $600,000 for damages to reservation land and timber that occurred when a portion of the reservation was used for anti-aircraft gunnery practice by the Department of the Army during the Korean war.

In a separate judgment entered by the Court of Claims on December 23, 1981, the Red Lake Band was awarded a judgment in the

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amount of $8,141,400.97 for a prior taking of land from the tribe in violation of the fifth amendment. Acting under the provisions of the Distribution of Judgment Funds Act of 1973 (25 U.S.C. 1401 et seq.) the Department of the Interior timely submitted a distribution plan for this judgment. However, the time for submission of such a plan for the $600,000 judgment had expired and a similar plan could not be contemporaneously submitted for this sum. On September 30, 1982, Senator Durenberger for himself and Senator Boschwitz introduced S. 2994 to provide for distribution of these funds. However, due to the late date of introduction it was not possible for the Congress to act on this bill.

LEGISLATIVE HISTORY

S. 884 was introduced by Senator Durenberger for himself and Senator Boschwitz on March 22, 1983. A hearing was held by the Select Committee on Indian Affairs on April 28, 1983, and was ordered reported out of committee at a business meeting of the committee immediately following the hearing, by a majority vote of a quorum present. There is no companion legislation pending in either the House of Representatives or the Senate.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTE

The Select Committee on Indian Affairs, in open business session on April 28, 1983, by a unanimous vote of a quorum present, recommends that the Senate pass S. 884 with amendments.

AMENDMENTS

The select committee adopted amendments to change the numbering of paragraph 3 of the bill to read paragraph 2, and paragraph 4 to read paragraph 3.

SECTION-BY-SECTION ANALYSIS

Section 1. This section provides that the judgment funds on deposit shall be distributed with 80 percent divided per capita to all enrolled members of the Red Lake Band of Chippewa Indians living on the date of enactment of this act, and 20 percent of the funds shall be held in trust by the Secretary of the Interior for tribal program purposes.

Section 2. This section provides that per capita shares for minors and legal incompetents shall be held in trust or paid in accordance with procedures determined by the Secretary of the Interior, and the remainder shall be paid directly to the individual member.

Section 3. This section provides that none of the funds distributed under this act shall be subject to Federal, State, or local income taxes nor shall they be considered income or resources in determining either eligibility for, or the amount of assistance under, Federal, State, or local programs.

COST AND BUDGETARY CONSIDERATIONS

The cost estimates for S. 884 as provided by the Congressional Budget Office are set forth below:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., May 4, 1983.

Hon. MARK ANDREWS,
Chairman, Select Committee on Indian Affairs, U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed S. 884, a bill to provide for the use and distribution of funds awarded the Red Lake Band of Chippewa Indians in docket No. 15–72 of the U.S. Court of Claims, as ordered reported by the Senate Select Committee on Indian Affairs, April 26, 1983.

Based on this review, it is expected that no additional cost to local, State, or Federal governments would be incurred as a result of enactment of this legislation. The bill would provide for the use and distribution of $600,000 previously awarded the Red Lake Band of Chippewa Indians on February 1, 1981.

Should the committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN, *Director.*

REGULATORY IMPACT STATEMENT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires each report accompanying a bill to evaluate the regulatory and paperwork impact that would be incurred in carrying out the bill.

The committee believes the S. 884, as amended, will have no regulatory or paperwork impact.

EXECUTIVE COMMUNICATIONS

The only communication received from the executive branch was in the form of testimony offered in open hearing on April 28, 1983. The Department of the Interior supported enactment of this legislation.

CHANGES IN EXISTING LAW

In compliance with subsection 12 of rule XXVI of the Standing Rules of the Senate, the committee states that enactment of this legislation will not change any existing law.

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